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WRITER'S DIRECT DIAL NUMBER

September 15, 1997

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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SEP 15 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: ET Docket No. 97-157

Dear Mr. Caton:

On behalf of Rainbow Broadcasting Company, Ltd., licensee of Television Station WRBW-TV at Orlando, Florida, there is transmitted herewith and filed an original and four copies of its Comments in response to the Commission's Notice of Proposed Rulemaking released July 10, 1997.

Should any questions arise with regard to the enclosed comments, kindly communicate directly with undersigned counsel.

Very truly yours,

KAYE, SCHOLER, FIERMAN,
HAYS & HANDLER, LLP

By: 

Bruce A. Eisen

Enclosure

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Reallocation of Television) ET Docket No. 97-157
Channels 60-69,)
746-806 MHz Band)
)

TO: The Commission

COMMENTS OF RAINBOW BROADCASTING COMPANY, LTD.

Rainbow Broadcasting Company, Ltd. ("Rainbow"), by its attorneys, hereby submits its comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM"), FCC 97-245, released July 10, 1997. In support thereof, the following is shown:

1. Rainbow is the permittee of Station WRBW-TV which operates on Channel 65 at Orlando, Florida. On April 21, 1997, the Commission released its Sixth Report and Order in MM Docket No. 87-268, FCC 97-115, thereby adopting a Digital Television Table of Allotments in order to provide television broadcasters with a DTV allotment capable of providing digital television coverage that largely replicates a station's existing NTSC coverage.

2. The NPRM proposes the reallocation of television Channels 60-69 in order to accommodate services other than

television to operate in that band. Four of the ten channels are to be devoted to public safety, and the rest to commercial services, the precise rules for which are to be determined at a later date.

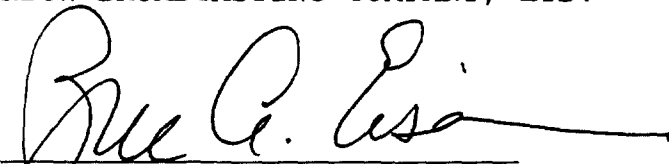
3. Rainbow urges the Commission to insure that existing NTSC service provided by broadcasters now operating on Channels 60-69 be protected. The expanded use of Channels 60-69 for DTV assignments should be permitted in order to prevent reductions in service and opportunities to increase DTV power. Such losses could result from a Commission policy to avoid the use of Channels 60-69 for DTV except in limited cases.

4. Rainbow faces a potentially debilitating paradox in light of its present operation on Channel 65. The transition period for DTV conversion is scheduled to be complete in 2006. It is anticipated that analog television operations will cease by that date and digital TV stations on Channels 60-69 will be relocated to other channels. However, there is a significant amount of reasoned speculation within the television industry that 2006 may not be a realistic target date for completion of the transition to digital TV operations. The Commission may take official notice that the amounts of capital expenditures that television licensees will have to make in order to effectuate the

conversion is substantial. Nevertheless, during the transition period full power television broadcasters will be permitted to operate on two channels, one analog and the other digital. Rainbow would be severely penalized, therefore, if the reclamation of Channels 60-69 occurred prior to the end of a transition period that extended further than the time at which Channel 65 was lost because of reallocation. Although the Commission has left the door open to bid for the reallocated channels, Rainbow might be forced to pay significant sums of money to retain its Channel 65, an entirely unfair disadvantage not faced by television broadcasters who operate outside Channels 60-69 and which will have the opportunity of utilizing two channels.

Respectfully submitted,

RAINBOW BROADCASTING COMPANY, LTD.

By: 
Bruce A. Eisen
Its Counsel

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September 15, 1997

CERTIFICATE OF SERVICE

I, Toni R. Daluge, a secretary in the law office of Kaye, Scholer, Fierman, Hays & Handler, LLP, do hereby certify that on this 15th day of September, 1997, a copy of the foregoing Comments of Rainbow Broadcasting Company, Ltd., has been hand-delivered to the following:

Sean White, Esq.
Office of Engineering & Technology
Federal Communications Commission
2000 M Street, N.W.
Room 427
Washington, D. C. 20554


Toni R. Daluge